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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,706	08/31/2001	Kenneth O' Hara	511-018-2	1005

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EXAMINER

BARRY, CHESTER T

ART UNIT PAPER NUMBER

1724

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,706

Applicant(s)

O' HARA, KENNETH

Examiner

Chester T. Barry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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Claims 21-23, 26, 27, 28 – 31, 33, 34, 35, 36, 37, 38, 39, 44 are rejected under 35 USC § 102(e) as clearly anticipated by USP 6475395 to Schmidt. Per claim 21, Schmidt describes providing a pipe system having a plurality of air diffuser outlets branching from a common distribution line, continuously providing a predetermined minimum volume of gas comprising oxygen and introducing the same into the aforementioned pipe system, and delivering a desired quantity of gas from each diffuser by providing a means for limiting the gas flow from each outlet to a fixed amount when the pressure in the pipe exceeds a predetermined minimum value. The minimum flow can exceed a calculated minimum volume. Per claim 22, the predetermined minimum volume of gas exceeds a calculated minimum volume which is required to be delivered from the outlets. Per claim 23, substantially the same quantity of gas is delivered at each outlet, irrespective of the pressure drop through the pipe, plus or minus an acceptable gas flow differential.

Claim 24 is rejected under 35 USC § 103(a) as obvious over USP 6475395 to Schmidt. Schmidt does not describe a "moving element" type constant flow regulator. "Moving element" type constant flow regulators appear to be known per se, so substitution of them for the constant flow type regulators of Schmidt would have been obvious.

Claims 25, 32 are rejected under 35 USC § 103(a) as obvious over USP 6475395 to Schmidt. Schmidt does not describe an "O" ring type constant flow regulator, but "O" ring type flow regulators, such as "ROTOMETER" type flow regulators, appear to be

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known per se, so substitution of them for the constant flow type regulators of Schmidt would have been obvious.

Claim 40 is rejected under 35 USC § 103(a) as obvious over USP 6475395 to Schmidt in view of Hinde or Red Valve. Schmidt does not describe a main ring. Either secondary reference suggests provision of a "main ring" piping system arrangement.

Claims 41 – 43 are rejected under 35 USC § 103(a) as obvious over USP 6475395 to Schmidt. It would have been obvious to have provided any known back flow prevention device, e.g., isolation ball valve, to the Schmidt diffuser air flow to prevent backflow of water up the air line during "down" periods.

Claim 23 is rejected under 35 USC § 112(2) for failing to particularly point out and distinctly claim the subject matter for which patent protection is sought. It is not reasonably clear what an "acceptable" flow range is for no standard of acceptability is offered by the specification.

Respectfully,

A handwritten signature in black ink, appearing to read 'CTB', is written over a horizontal line.

Chester T Barry

703-306-5921

CHESTER T. BARRY
PRIMARY EXAMINER